

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC GARCIA,

Plaintiff

Case No. 2:23-cv-01023-APG-DJA

ORDER

v.

DR. REESE, et al.,

Defendants

On June 29, 2023, pro se plaintiff Eric Garcia, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 3-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 3).

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.

1 See 28 U.S.C. § 1915(b).

2 As explained above, Plaintiff has neither paid the full filing fee nor applied to
3 proceed *in forma pauperis*. The Court gives Plaintiff **until September 11, 2023**, to either
4 pay the filing fee or submit an application to proceed *in forma pauperis*.


5 **II. CONCLUSION**

6 It is therefore ordered that Plaintiff has **until September 11, 2023**, to either pay
7 the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with
8 all three required documents: (1) a completed application with the inmate's two signatures
9 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
10 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
11 previous six-month period.

12 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
13 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
14 to refile the case with the Court, under a new case number, when Plaintiff can file a
15 complete application to proceed *in forma pauperis* or pay the required filing fee.

16 The Clerk of the Court is directed to send Plaintiff the approved form application to
17 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
18 complaint (ECF No. 3-1) but not file it at this time.

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20 DATED this 13th day of July 2023.

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23 UNITED STATES MAGISTRATE JUDGE
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